

STATE OF RHODE ISLAND
AND PROVIDENCE PLANTATIONS

DEPARTMENT OF HEALTH
HEALTH SERVICES REGULATION
BOARD OF PHARMACY

VS.

DOMENIC COLARUSSO, R.Ph.

CONSENT ORDER

Pursuant to Rhode Island General Laws (1999 Reenactment) Section 5-19.1-21 and the Rules and Regulations promulgated thereunder, the Department of Health, Board of Pharmacy (hereinafter "Department") has investigated a complaint charging Domenic Colarusso, R.Ph. (hereinafter "Respondent"), with a violation of Chapter 5-19.1 of the Rules and Regulations.

After consideration by the Department, the following constitutes the Findings of Fact with respect to the professional performance of the Respondent:

1. Respondent is a pharmacist licensed to practice pharmacy in the State of Rhode Island.
2. That at all pertinent times Respondent was employed at Prime Drug, 613 Cranston Street, Providence, RI.
3. That on or about June 2006 the following deficiencies were cited by the Department of Health during an inspection of the subject pharmacy and pharmacist:
 - a) DEA 222 not completed upon receipt;
 - b) No current biennial inventory;
 - c) No destruction records for Scheduled drugs;
 - d) Multiple prescriptions for Scheduled drugs reflecting hospital DEA in lieu of the prescriber.

The parties agree as follows:

1. Respondent is a pharmacist licensed to practice pharmacy in the State of Rhode Island.
2. Respondent admits to the jurisdiction of the Department and hereby agrees to remain under the jurisdiction of the Department.
3. Respondent has read this Consent Order and understands that it is a proposal of the Department and is subject to the final approval by the Department. This Consent Order and the contents thereof are not binding on Respondent until final approval by the Department.
4. Respondent hereby acknowledges and waives:
 - a) The right to appear personally or by counsel or both before the Department;
 - b) The right to produce witnesses and present evidence in her behalf at a hearing;
 - c) The right to cross-examine witnesses;
 - d) The right to have subpoenas issued by the Department;
 - e) The right to further procedural steps except for those specifically contained herein;
 - f) Any and all rights of appeal of this Consent Order;
 - g) Any objection to the fact that this Consent Order will be presented to the Department for consideration and review;
 - h) Any objection to the fact that it will be necessary for the Department to become acquainted with all evidence pertaining to this matter in order to adequately review this Consent Order;
 - i) Any objection to the fact that potential bias against the Respondent may occur as a result of the presentation of this Consent Order to the Department.

5. This Consent Order shall become part of the public record of this proceeding once it is accepted by all parties.
6. Respondent admits the allegations contained above.
7. Respondent shall agree to a formal Reprimand as a sanction regarding this matter.
8. The Department of Health shall conduct a follow-up inspection of the subject pharmacy and reserves the right to issue the appropriate hearing notice, if necessary.

Domenic Colarusso
Domenic Colarusso, R.Ph.

Chairperson
Board of Pharmacy

Ratified as an Order of the Board of Pharmacy on this 21st day of September 2006.

CERTIFICATION

I do hereby certify that this Consent Order was mailed out, by regular and certified mail, to Domenic Colarusso, c/o Prime Drug, 613 Cranston Street, Providence, RI 02907 on this 26th day of July 2006.

Carole Allsworth